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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,919	07/30/2003	Kimiyuki Hayasaki	00862.023202.	7528
5514 7590 04/23/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER LIANG, LEONARD S	
			ART UNIT	PAPER NUMBER
			2853	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/23/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/629,919

Applicant(s)

HAYASAKI, KIMIYUKI

Examiner

Leonard S. Liang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006 and 10 January 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuji (US Pat 6862652).

Tsuji discloses:

- {claim 1} A method of controlling a printing apparatus which performs printing by using a printhead having a printing element and a storage unit, the printing apparatus including a first control unit which controls operation of the printing apparatus, and a second control unit which can operate independently of the first control unit (figure 1, reference 2-3; abstract; column 2, line 63-column 3, line 10); an instruction generation step of causing the first control unit to generate an

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instruction for acquiring specific information held by the storage unit of the printhead, the instruction including information designating an identification name of the specific information but not including an address of the storage unit to be accessed (figure 1, reference 2; figure 6, reference SEL, RXD), an acquisition step of causing the second control unit to receive the instruction generated by the first control unit in the instruction generation step, generate an address for accessing the storage unit of the printhead based on the instruction, access the storage unit at the address, and acquire the specific information corresponding to the instruction (column 1, line 65-column 3, lines 10); a control step of causing the second control unit to drive and control the printhead on the basis of information which is generated on the basis of the specific information acquired in the acquisition step in order to drive the printhead (abstract; column 1, lines 8-22); a generation step of generating an access signal containing the address corresponding to the identification name designated by the instruction generated in the instruction generation step from the storage unit (figure 6, reference 19; column 4, lines 43-48; notice that all addressing results from the data signals sent in from SEL and RXD); a read step of accessing the storage unit in accordance with the access signal generated in the generation step and reading out the specific information (column 4, lines 50-55); wherein the generation step generates the access signal by looking up a table which makes identification names designated by the instruction and storage addresses of the storage unit correspond to each other (figure 6, reference 26)

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- {claim 2} wherein the second control unit is arranged in a carriage which supports the printhead (column 2, line 63-column 3, line 10)
- {claim 3} A printing apparatus which performs printing by using a printhead having a printing element and a storage unit (column 1, lines 8-22); instruction generation means for generating an instruction for acquiring specific information from information held by the printhead, the instruction including information designating an identification name of the specific information but not including an address of the storage unit to be accessed (figure 1, reference 2; figure 6, reference SEL, RXD); acquisition means for receiving the instruction generated by the instruction generation means, generating an address based on the instruction, accessing the storage unit of the printhead based on the address, and acquiring the specific information corresponding to the instruction from the storage unit (column 1, line 65-column 3, line 10); control means for driving and controlling the printhead on the basis of information which is generated on the basis of the specific information acquired by the acquisition means in order to drive the printhead (abstract; column 1, lines 8-22); generation means for generating an access signal containing the address corresponding to the identification name designated by the instruction generated by the instruction generation means from the storage unit (figure 6, reference 19; column 4, lines 43-48); read means for accessing the storage unit in accordance with the access signal generated by the generation means and reading out the specific information (column 4, lines 50-55); wherein the generation means has a table

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which makes identification names designated by the instruction and storage addresses of the storage unit correspond to each other and generates the access signal by looking up the table (figure 6, reference 26)

- {claim 5} wherein the generation means has, in correspondence with a plurality of types of printheads, a plurality of tables which makes the identification names designated by the instruction and the storage addresses of the storage unit correspond to each other, and generates the access signal by looking up a table corresponding to a printhead mounted on the printing apparatus among the plurality of tables (figure 3-5; column 4, lines 40-55)
- {claim 6} wherein the acquisition means is arranged on a carriage for conveying the printhead (column 2, line 63-column 3, line 10)
- {claim 7} wherein the acquisition means includes transmission means for transmitting the instruction to the printhead (abstract; column 1, lines 8-22)

### *Response to Arguments*

Applicant's arguments filed 12/07/06 have been fully considered but they are not persuasive.

The applicant argues, "However, Applicants submit that in Tsuji the information and address correlating table 26 is used for copying information stored in the non-volatile memories 4 and 5 to a first RAM 17 and a second RAM 18. In comparing Tsuji with the present invention, the apparatus main body controlling section 2 and the memory access controlling section 3 will correspond respectively to the first and second control units recited in Claim 1. In view of the

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communication between apparatus main body controlling section 2 and memory access controlling section 3 as is apparent from Figure 8(b), the main body control section 2 does in fact utilize address information in order to acquire information from the first RAM 17 and the second RAM 18 located in the memory access controlling section 3. This is contrary to the present invention wherein an instruction for acquiring specific information from information held by (a storage unit of) a printhead includes information designating an identification name of the specific information but not including an address of the storage unit to be accessed, as is recited in independent Claims 1 and 3. Nor does Tsuji disclose or suggest generating an access signal containing an address corresponding to the identification name, with the access signal being generated by looking up a table which makes identification names and storage addresses of the storage unit correspond to each other, as is also recited in independent Claims 1 and 3."

The examiner respectfully disagrees. Looking at figure 6, it is clear that the information and address correlating table 26 is contained in the memory access controlling section 3 and not the apparatus main body controlling section 2. The apparatus main body controlling section 2 sends data signals through SEL and RXD to the memory access controlling section to be processed. These data signals will be broadly construed to be the claimed "identification names" of the specific information. However, these data signals do not include an address in the non-volatile memories. The memory access controlling section appears to take the data from the apparatus controlling section through inputs SEL and RXD and then builds its addressing table based on this data. Therefore, Tsuji does suggest generating an access signal containing an address corresponding to the identification name, with the access signal being generated by

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looking up a table which makes identification names and storage addresses of the storage unit correspond to each other, as well as the other limitations in the claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard S. Liang whose telephone number is (571) 272-2148. The examiner can normally be reached on 8:30-5 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

04/13/07

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**STEPHEN MEIER**  
**SUPERVISORY PATENT EXAMINER**